

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6678 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and
MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?
(No. 1 to 5 NO)

STATE OF GUJARAT

Versus

HIMMATLAL GORDHANDAS BHATTI

Appearance:

BY POST for Petitioner

MR YF MEHTA for Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE and
MR.JUSTICE J.R.VORA

Date of decision: 18/08/98

ORAL JUDGEMENT

We have heard Ld. Government counsel Mr. Maulin Rawal appearing on behalf of the State. Ld. counsel Mr. Yogesh Mehta on an earlier occasion was requested to assist the Court on behalf of the contemner Himmatlal Bhatti. Accordingly we have also heard Ld. counsel Mr.

Yogesh Mehta.

The contempt proceedings have their origin in certain averments made by the contemner in the pleadings in various proceedings, in which he was involved. Unfortunately when the present proceedings were pending, the contemner had sent one letter dated April 24, 1998, which also, according to us, is in a language which could not be appreciated by us.

Any how, it requires to be taken in to consideration that, the contemner was facing certain eviction proceedings and as it is evident, ultimately, there has been an order of eviction, and ultimately he has been dispossessed. There are two more aspects of the matter which require to be taken in to consideration while dealing with the contemner. He was involved in a rape case also, in which ultimately he has been acquitted. More over, there are matrimonial disputes in the house and the contemner is very unhappy. He is a man of an advanced age, earning his livelihood from a petty work of selling soaps and detergents going to house to house.

In this set of circumstances, the say coming from the Ld. counsel Mr. Yogesh Mehta that a lenient view of the matter requires to be taken, appears to be genuine to us.

The contemner has tendered unconditional apology on affidavit dated August 14, 1998, and has asked for the leniency towards him while we dispose of the present proceedings. It is indeed true that the averments made by the contemner in the pleadings in various proceedings were of course below the mark, and could never be accepted, regard being had to the Law of Pleadings. Any how, we have been guided by the above set of circumstances under which the contemner is placed, and also the unconditional apology tendered by him.

We accept the unconditional apology being tendered by the contemner and order discharge of the rule. Proceedings stand disposed of.

Any how before parting with the matter, we put the contemner on caution to be careful in future, and to see that such incidence do not get repeated in future. We have passed these orders in presence of the contemner who is present in person before us, and that the above said word of caution has also been written by us in his presence. R & P of various matters called for by this

Court, now, should be transmitted to the concerned Courts
forthwith.

/vgn.